

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

No. 2:22-cv-01524-DAD-JDP (PC)

Plaintiff,

v.

MCGEFFEN, et al.,

Defendants.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO PROCEED IN FORMA
PAUPERIS

(Doc. No. 2, 12)

Plaintiff Cymeyon Hill is a civil detainee proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 7, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied because it was determined that plaintiff had sufficient funds in his trust account to pay the required filing fee in full. (Doc. No. 12.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) Plaintiff timely filed objections to the pending findings and recommendations on March 24, 2023. (Doc. No. 13.)

In his objections to the pending findings and recommendations, plaintiff does not contest the magistrate judge's conclusion that plaintiff has sufficient funds in his trust account to pay the

1 required filing fee. Rather, plaintiff merely states that he has a cognizable claim. (*Id.*) Thus,
2 plaintiff has not meaningfully objected to the pending findings and recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
4 conducted a *de novo* review of the case. Having carefully reviewed the entire file, including
5 plaintiff's objections, the undersigned concludes that the findings and recommendations are
6 supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on March 7, 2023 (Doc. No. 12) are
9 adopted in full;
- 10 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 11 3. Within thirty (30) days from the date of service of this order, plaintiff shall pay the
12 \$402.00 filing fee in full in order to proceed with this action;
- 13 4. Plaintiff's failure to pay the required filing fee as ordered will result in the
14 dismissal of this action without prejudice; and
- 15 5. This case is referred back to the assigned magistrate judge for further proceedings.

16 IT IS SO ORDERED.

17 Dated: July 22, 2023


18 Dale A. Droyd
UNITED STATES DISTRICT JUDGE

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